

MANDATE

08.10.2021

GLEISS LUTZ SUCCESSFULLY REPRESENTS THE FEDERAL STATE OF NORTH RHINE-WESTPHALIA BEFORE THE FEDERAL ADMINISTRATIVE COURT IN CONNECTION WITH THE DEFENCE AGAINST TWO ACTIONS AGAINST A PLANNING APPROVAL DECISION UNDER THE POWER GRID EXPANSION ACT

Gleiss Lutz has successfully represented the Federal State of North Rhine-Westphalia in defending against two actions against a planning approval decision for the construction of a 380 kV extra-high-voltage line. The contested planning approval decision of Düsseldorf district government authorised the construction and operation of a 380 kV extra-high-voltage overhead line between the points of Fellerhöfe and St. Tönis. This extra-high-voltage line is listed in the Federal Requirements Plan Act as an "urgently required" project. In its northern section, the line runs to the east of an existing line near the residential area of the City of Krefeld.

As the Federal Administrative Court had found an initial planning approval decision from 2012 to be unlawful and unenforceable due to the lack of the required environmental impact assessment, the Düsseldorf district government conducted this assessment subsequently in a supplementary procedure, which it concluded in June 2019 with a supplementary planning decision. Both the City of Krefeld and a resident affected had filed a lawsuit against the planning approval decision in the form of the supplementary planning decision.

By decision of 28 March 2020, the Federal Administrative Court had already rejected an injunction filed by the City of Krefeld in which the Federal State was also represented by Gleiss Lutz. Following a hearing on 23 September 2021, the 4th Division of the Federal Administrative Court dismissed both actions in full by judgments of the same day on 7 October 2021. This means that there are no longer any legal obstacles preventing the completion and commissioning of this section of the line for which planning approval has been granted.

The following team of Gleiss Lutz lawyers advised on the injunction proceedings and the lawsuits: Dr Burghard Hildebrandt (lead, partner), Dr Eva Koch (counsel, both public law, Düsseldorf).

Gleiss Lutz regularly advises in connection with the planning approval of energy pipelines (electricity / gas), both on the part of the planning approval authorities and on the part of the pipeline operators / project developers.

PRESS

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